

House File 811 - Introduced

HOUSE FILE 811
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 640)

A BILL FOR

1 An Act modifying provisions applicable to individuals licensed
2 by the plumbing and mechanical systems board, providing for
3 state inspections of certain plumbing and mechanical system
4 installations, making penalties applicable, and including
5 effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 105.2, subsection 17, Code 2021, is
2 amended to read as follows:

3 17. "*Routine maintenance*" means the maintenance, repair,
4 or replacement of existing fixtures or parts of plumbing,
5 mechanical, HVAC, refrigeration, sheet metal, or hydronic
6 systems in which no changes in original design are made.
7 Fixtures or parts do not include smoke and fire dampers, or
8 water, gas, or steam piping permanent repairs except for traps
9 or strainers. ~~"Routine maintenance" shall include emergency~~
10 ~~repairs, and the board shall define the term "emergency repairs"~~
11 ~~to include the repair of water pipes to prevent imminent~~
12 ~~damage to property. "Routine maintenance" does not include the~~
13 ~~replacement of furnaces, boilers, cooling appliances, or water~~
14 ~~heaters more than one hundred gallons in size.~~

15 Sec. 2. Section 105.9, subsection 5, paragraph a, Code 2021,
16 is amended by striking the paragraph.

17 Sec. 3. Section 105.11, Code 2021, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 15. Apply to a person performing any
20 installation on a farm, if the person is associated with the
21 farm as a holder of a legal or equitable interest, a relative
22 or employee of the holder, or an operator or manager of the
23 farm. The provisions of this chapter do not require such
24 person to be licensed. In addition, a permit is not required
25 for an installation on a farm, and an installation on a farm
26 is not required to be inspected. In order for a farm building
27 to qualify under this subsection, the farm building must not
28 be regularly open to the public as a place of business for the
29 retail sale of goods, wares, services, or merchandise.

30 Sec. 4. Section 105.18, subsection 2, paragraph a,
31 subparagraph (1), Code 2021, is amended to read as follows:

32 (1) File an application, which application shall establish
33 that the person meets the minimum requirements adopted by the
34 board, including the receipt of a high school diploma or its
35 equivalent.

1 Sec. 5. Section 105.18, subsection 2, paragraph b,
2 subparagraph (1), subparagraph division (c), Code 2021, is
3 amended to read as follows:

4 (c) Provide the board with evidence of having completed
5 at least four years of practical experience as an apprentice.
6 Commencing January 1, 2010, the four years of practical
7 experience required by this subparagraph division must be the
8 completion of an apprenticeship training program registered by
9 the United States department of labor office of apprenticeship,
10 as evidenced by a certificate of completion from the department
11 of labor.

12 Sec. 6. NEW SECTION. 105.33 State inspection —
13 applicability.

14 1. The inspection and enforcement provisions of this
15 chapter shall apply to the following:

16 a. All new installations of plumbing or mechanical
17 systems for commercial or industrial applications, including
18 installations both inside and outside of a building.

19 b. All new installations of plumbing or mechanical systems
20 that serve government-owned or government-leased facilities by
21 a person who is not an employee of any unit of state or local
22 government.

23 c. All new installations of plumbing or mechanical
24 systems for multi-family residential applications, including
25 installations for an apartment or building as those terms are
26 defined in section 499B.2.

27 d. All new installations of plumbing or mechanical systems
28 for single-family residential applications requiring new
29 plumbing or mechanical systems service equipment.

30 e. Existing installations of plumbing or mechanical systems
31 observed during inspection which constitute a hazard to the
32 property owner. Existing installations shall not be deemed
33 to constitute a hazard if the installation when originally
34 installed was installed in accordance with the applicable state
35 plumbing code or state mechanical code in force at the time of

1 installation and has been maintained in that condition.

2 *f.* All installations of plumbing or mechanical systems
3 performed at the request of a property owner.

4 2. The inspection and enforcement provisions of this
5 chapter shall not apply to routine maintenance.

6 Sec. 7. NEW SECTION. 105.34 Plumbing or mechanical
7 inspectors.

8 The board shall establish by rule standards for the
9 certification and decertification of plumbing and mechanical
10 inspectors employed by the state to enforce this chapter
11 and standards for the continuing education requirements for
12 plumbing and mechanical inspectors employed by the state to
13 enforce this chapter. The standards established by the board
14 shall conform to one of the following:

15 1. The standards applicable to a person seeking to be
16 licensed by the board as a master pursuant to section 105.18 in
17 the category being inspected.

18 2. The standards applicable to a person seeking to be
19 licensed by the board as a journeyperson pursuant to section
20 105.18 in the category being inspected.

21 3. The standards applicable to a plumbing or mechanical
22 inspector in the category being inspected who was appointed by
23 a political subdivision on or before January 1, 2022.

24 Sec. 8. NEW SECTION. 105.35 Request for permit and
25 inspection — fees.

26 1. At or before commencement of any installation required
27 to be inspected by the board, the licensed contractor or
28 property owner making such installation shall submit to the
29 board a request for a permit and inspection. The board shall
30 prescribe the methods by which the request may be submitted,
31 which shall include an electronic submission option or through
32 a form prescribed by the board that can be submitted either
33 through the mail or by a fax transmission. The board shall
34 also prescribe methods by which the permit and inspection fees
35 established pursuant to section 105.40 can be paid, which shall

1 include electronic methods of payment. If the board becomes
2 aware that a person has failed to file a necessary request for
3 inspection, the board shall send a written notification by
4 certified mail that the request must be filed within fourteen
5 days. Any person filing a late request for inspection shall
6 pay a delinquency fee in an amount to be determined by the
7 board. A person who fails to file a late request within
8 fourteen days from receipt of the notification shall be subject
9 to a civil penalty to be determined by the board by rule.

10 2. Notwithstanding subsection 1, the board may by rule
11 provide for the issuance of a single permit to a licensed
12 contractor or property owner to request multiple inspections.
13 The permit authorizes the licensed contractor or property owner
14 to perform new plumbing or mechanical system installations
15 specified in the permit. The board shall prescribe the methods
16 by which the request for multiple inspections may be submitted,
17 which shall include electronic submission or through a form
18 prescribed by the board that can be submitted either through
19 the mail or by a fax transmission. The board shall also
20 prescribe methods by which the permit and inspection fees
21 established pursuant to section 105.40 can be paid, which
22 shall include electronic methods of payment. The board may
23 perform inspections of each new plumbing or mechanical system
24 installation or any portion of the total number of new plumbing
25 or mechanical system installations made under each permit. The
26 board shall establish fees for such permits as provided in
27 section 105.40, which shall not exceed the total inspection
28 fees that would be required if each new installation performed
29 under the request for multiple inspections had been performed
30 under individual requests for inspections as provided in
31 subsection 1.

32 Sec. 9. NEW SECTION. 105.36 Approval of installation upon
33 inspection — opportunity to correct noncompliance.

34 1. If an inspector determines that an installation subject
35 to inspection under this chapter is in compliance with accepted

1 standards of construction for health safety and property
2 safety, based upon minimum standards established by the board
3 pursuant to section 105.39, subsection 3, the inspector shall
4 approve the installation.

5 2. If an inspector finds that any installation or portion of
6 an installation is not in compliance with accepted standards of
7 construction for health safety and property safety, based upon
8 minimum standards established by the board, the inspector shall
9 issue a correction order. A correction order made pursuant to
10 this section shall be served personally or by United States
11 mail only upon the licensed contractor or property owner
12 making the installation. The correction order shall order the
13 licensed contractor or property owner to make the installation
14 comply with the standards, noting specifically what changes
15 are required. The order shall specify a date, not more than
16 seventeen calendar days from the date of the order, when a new
17 inspection shall be made. When the installation is brought
18 into compliance to the satisfaction of the inspector, the
19 inspector shall approve the installation.

20 Sec. 10. NEW SECTION. 105.37 **Inspections not required.**

21 1. Nothing in this chapter shall be construed to require
22 the work of employees of municipal utilities, railroads, or
23 rural water associations or districts to be inspected while the
24 employees are acting within the scope of their employment.

25 2. The board may by rule exempt specified types of new
26 plumbing or mechanical system installations from state
27 inspection which are not described in section 105.33,
28 subsection 1, provided that a political subdivision conducting
29 inspections pursuant to section 105.38, subsection 1, shall not
30 be prohibited from requiring inspection of any new plumbing
31 or mechanical system installation exempt by rule from state
32 inspection pursuant to this subsection.

33 Sec. 11. NEW SECTION. 105.38 **Inspection by political**
34 **subdivisions.**

35 1. State inspection in the applicable discipline shall not

1 apply within the jurisdiction of any political subdivision
2 which provides plumbing or mechanical system inspection
3 services for the inspection of installations specified in
4 section 105.33, subsection 1.

5 2. A political subdivision providing inspection services
6 pursuant to subsection 1 may require the inspection of plumbing
7 or mechanical system installations which are not described in
8 section 105.33, subsection 1, in addition to the installations
9 described in section 105.33, subsection 1.

10 3. A political subdivision that performs inspections may
11 set appropriate permit fees to pay for such inspections.

12 4. A political subdivision may choose to discontinue
13 performing its own inspections and permit the board to have
14 jurisdiction over inspections in the political subdivision.
15 If a political subdivision seeks to discontinue its own
16 inspections, the political subdivision shall notify the board
17 in a timely manner.

18 5. A political subdivision shall report to the board in a
19 timely manner the name of every person who is believed to be
20 practicing as a plumbing or mechanical professional without
21 a license issued pursuant to this chapter. The board shall
22 investigate each report received and submit the investigation
23 results to the political subdivision in a timely manner.

24 Sec. 12. NEW SECTION. 105.39 State inspection —
25 procedures.

26 1. An inspection shall be made within three business days
27 of the submission of a request for an inspection as provided
28 in section 105.35. When necessary, plumbing and mechanical
29 systems may be connected by the licensed installer prior to
30 inspection but the installation shall remain subject to any
31 appropriate restrictions or limitations as determined by the
32 board.

33 2. Where plumbing or mechanical systems or parts are
34 to be concealed, the inspector must be notified within a
35 reasonable time, as determined by the board, to complete

1 rough-in inspections prior to concealment, exclusive of
2 Saturdays, Sundays, and holidays. If plumbing or mechanical
3 systems or parts are concealed before rough-in inspections
4 without adequate notice having been given to the inspector,
5 as determined by the board, the person responsible for having
6 enclosed the system or part shall be responsible for all costs
7 resulting from uncovering and replacing the cover material.

8 3. State inspection procedures and policies shall be
9 established by the board in accordance with the provisions of
10 the state plumbing code and state mechanical code adopted by
11 the board.

12 4. Except when an inspection reveals that an installation or
13 portion of an installation is not in compliance with accepted
14 standards of construction for health safety and property
15 safety, based upon minimum standards established by the board,
16 an inspector shall not add to, modify, or amend a construction
17 plan as originally approved by the board in the course of
18 conducting an inspection.

19 5. Management and supervision of inspectors, including
20 hiring decisions, disciplinary action, promotions, and work
21 schedules are the responsibility of the board acting in
22 accordance with applicable law and pursuant to any applicable
23 collective bargaining agreement. The board shall determine
24 work territories, regions, or districts for inspectors
25 and continuing education and ongoing training requirements
26 applicable to inspectors. An inspector subject to disciplinary
27 action pursuant to this subsection shall be entitled to an
28 appeal pursuant to section 105.41 and judicial review pursuant
29 to section 17A.19.

30 6. The board shall establish an internet-based licensure
31 verification database for access by a state or local inspector
32 for verification of licensee status. The database shall
33 include the name of every person licensed under this chapter
34 and a corresponding licensure number. Inspectors shall be
35 authorized to request the name and license number of any person

1 working at a job site subject to inspection for verification
2 of licensee status. Licensees under this chapter shall be
3 required to carry a copy of their current license and photo
4 identification at all times when employed on a job site for
5 compliance with this subsection.

6 Sec. 13. NEW SECTION. 105.40 State permits and inspections
7 — fees.

8 1. All state plumbing and mechanical system inspection fees
9 shall be due and payable to the board at or before commencement
10 of the installation and shall be forwarded with the request for
11 inspection. Inspection fees provided in this section shall
12 not apply within the jurisdiction of any political subdivision
13 if the political subdivision provides plumbing or mechanical
14 system inspection services for the inspection of installations
15 pursuant to section 105.38, subsection 1.

16 2. The board shall establish the fees for permits and
17 inspections required under this chapter.

18 Sec. 14. NEW SECTION. 105.41 State inspection — complaints
19 — appeals.

20 1. Any person may file a complaint with the board alleging
21 a violation of this chapter or rules adopted by the board. The
22 name of a person who files a complaint with the board shall
23 remain confidential and shall not be subject to discovery,
24 subpoena, or other means of legal compulsion for its release
25 to a person other than board employees or agents involved in
26 the investigation of the complaint. The board shall establish
27 procedures for the disposition of complaints received in
28 accordance with this subsection.

29 2. a. Any person aggrieved by an order of an inspector or
30 the board may appeal the order by filing a written notice of
31 appeal with the board within ten days after the date the order
32 was served upon the aggrieved person.

33 b. Upon receipt of a notice of appeal filed pursuant to
34 subsection 1, the board shall notify all interested parties
35 who may join in the hearing and give testimony on their own

1 behalf. The board shall set the hearing date not more than
2 fourteen days after receipt of the notice of appeal unless
3 otherwise agreed by the interested parties and the board. The
4 chairperson or executive secretary of the board may designate a
5 hearing officer from among the board members to hear the appeal
6 or may set the matter for hearing before the full board at its
7 next regular meeting. A majority of the board shall make the
8 decision on appeals.

9 Sec. 15. EFFECTIVE DATE. This Act takes effect July 1,
10 2023.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill modifies provisions in Code chapter 105, which
15 provides for the licensure and regulation of plumbers,
16 mechanical professionals, and contractors by the plumbing and
17 mechanical systems board.

18 The bill modifies the definition of "routine maintenance"
19 to remove a provision stating that the term includes emergency
20 repairs. Additionally, the bill modifies the definition of
21 "routine maintenance" to provide that the term does not include
22 the replacement of furnaces, boilers, cooling appliances, or
23 water heaters, regardless of size.

24 The bill strikes Code section 105.9, subsection 5, paragraph
25 "a", which requires the plumbing and mechanical systems board
26 to submit a report including certain financial information to
27 the general assembly within 60 days of the end of a fiscal year
28 and potentially adjust its fee schedules based on the financial
29 information in the report.

30 The bill establishes that the provisions of Code chapter
31 105 shall not apply to a person performing an installation on
32 a farm, if the person is associated with the farm as a holder
33 of legal or equitable interest, a relative or employee of the
34 holder, or an operator or manager.

35 Current law provides that in order to be licensed by the

1 board as an apprentice, a person shall file an application that
2 establishes that the person meets the minimum requirements
3 adopted by the board. The bill provides that such minimum
4 requirements to be established in an application include the
5 receipt of a high school diploma or its equivalent.

6 Current law provides that in order to be licensed by the
7 board as a journeyman, a person shall provide evidence
8 of completing at least four years of practical experience
9 as an apprentice through an apprenticeship training program
10 registered by the United States department of labor. The
11 bill provides that such requirement must be evidenced by a
12 certificate of completion from the department of labor.

13 The bill adds provisions in Code chapter 105 which provide
14 for state inspection of certain plumbing or mechanical system
15 installations described in new Code section 105.33. The bill
16 provides that state inspection shall not apply to routine
17 maintenance.

18 The bill requires the board to establish standards for the
19 certification and decertification of plumbing and mechanical
20 inspectors appointed by the state or a political subdivision
21 to enforce the inspection provisions of the bill. The bill
22 provides that those standards shall conform to the standards
23 applicable to a person seeking to be licensed as a master or
24 a journeyman, or the standards applicable to a plumbing or
25 mechanical inspector appointed by a political subdivision.

26 The bill establishes procedural requirements for a licensed
27 contractor or property owner making an installation to request
28 a permit and an inspection and allows the board to adopt rules
29 providing for the issuance of permits to a licensed contractor
30 or property owner for multiple inspections, as described in the
31 bill.

32 The bill provides that if an inspector determines that
33 an installation is in compliance with the accepted standards
34 of construction for health safety and property safety, based
35 on minimum standards established by the board, the inspector

1 shall approve the installation. If an inspector finds that an
2 inspection or portion thereof is not in compliance with such
3 standards, the inspector shall issue a correction order which
4 orders the licensed contractor or property owner to make the
5 installation comply with the standards and provides a date
6 when a new inspection shall be made. When the installation
7 is brought into compliance, the inspector shall approve the
8 installation.

9 The bill specifies that nothing in the bill shall be
10 construed to require the work of employees of municipal
11 utilities, railroads, or rural water associations or districts
12 to be inspected while acting within the scope of their
13 employment. The board may by rule exempt specified types of
14 new installations from the state inspection requirements,
15 provided that a political subdivision conducting inspections
16 shall not be prohibited from requiring inspection of such
17 installations.

18 The bill provides that state inspection shall not apply
19 within the jurisdiction of any political subdivision which
20 provides inspection services for installations subject to state
21 inspection. A political subdivision may require inspections
22 of installations not subject to state inspection, in addition
23 to installations subject to state inspection. Code section
24 105.38 also includes provisions regarding the discontinuance
25 of inspections by political subdivisions, the suspension or
26 revocation of inspections by political subdivisions, and
27 permit fees established by political subdivisions to pay for
28 inspections. Additionally, the bill requires that a political
29 subdivision shall report to the board the name of every person
30 who is practicing as a plumbing or mechanical professional
31 without a license.

32 The bill establishes certain state inspection procedural
33 requirements, including provisions relating to inspection
34 timing, installation concealment, state inspection procedures
35 and policies, construction plan modification, inspector

1 supervision, and the licensure verification database, as
2 described in the bill.

3 The bill requires the board to establish fees for permits and
4 inspections. Inspection fees are to be paid to the board at
5 or before the commencement of an inspection and included with
6 the request for inspection. Inspection fees shall not apply
7 to inspections within political subdivisions which provide for
8 inspections.

9 The bill authorizes any person to file a confidential
10 complaint with the board alleging a violation of the bill or
11 any rule adopted by the board and allows any person aggrieved
12 by an order of an inspector or the board to appeal the order by
13 filing a written notice of appeal with the board within 10 days
14 after the order was served. The bill also provides certain
15 procedural requirements for such an appeal, as described in the
16 bill.

17 Pursuant to current law, the board may impose a civil penalty
18 up to \$5,000 per offense upon a person who violates the bill,
19 following notice and an opportunity for a hearing.

20 The bill takes effect July 1, 2023.